

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT CHATTANOOGA**

UNITED STATES OF AMERICA)	
)	Case No. 1:19-cr-129-1
v.)	
)	Judge Travis R. McDonough
)	
JASON JOHNSON)	Magistrate Judge Susan K. Lee
)	

ORDER

Magistrate Judge Susan K. Lee filed a report and recommendation recommending that the Court: (1) grant Defendant's motion to withdraw his not-guilty plea as to Count One and Count Three of the three-count Superseding Indictment; (2) accept Defendant's plea of guilty to Count One and to the lesser included offense of the charge in Count Three, that is, possession with intent to distribute 5 grams or more of methamphetamine (actual), in violation of title 21 U.S.C. §§ 841(a)(1) and 841(b)(1)(B); (3) adjudicate the Defendant guilty to Count One and to the lesser included offense of the charge in Count Three, that is, possession with intent to distribute 5 grams or more of methamphetamine (actual), in violation of title 21 U.S.C. §§ 841(a)(1) and 841(b)(1)(B); (4) defer a decision on whether to accept the corrected plea agreement (Doc. 343) until sentencing; and (5) order that Defendant remain in custody until sentencing in this matter. (Doc. 348.) Neither party filed a timely objection to the report and recommendation. After reviewing the record, the Court agrees with Magistrate Judge Lee's report and recommendation. Accordingly, the Court **ACCEPTS** and **ADOPTS** the magistrate judge's report and recommendation (Doc. 348) pursuant to 28 U.S.C. § 636(b)(1) and **ORDERS** as follows:

1. Defendant's motion to withdraw his not-guilty plea as to Count One and Count Three of the Superseding Indictment is **GRANTED**;
2. Defendant's plea of guilty to Count One and to the lesser included offense of the charge in Count Three, that is, possession with intent to distribute 5 grams or more of methamphetamine (actual), in violation of title 21 U.S.C. §§ 841(a)(1) and 841(b)(1)(B) is **ACCEPTED**;
3. Defendant is hereby **ADJUDGED** guilty of Count One and to the lesser included offense of the charge in Count Three, that is, possession with intent to distribute 5 grams or more of methamphetamine (actual), in violation of title 21 U.S.C. §§ 841(a)(1) and 841(b)(1)(B);
4. A decision on whether to accept the corrected plea agreement is **DEFERRED** until sentencing; and
5. Defendant **SHALL REMAIN** in custody until sentencing in this matter which is scheduled to take place on **September 1, 2023 at 2:00 p.m. [EASTERN]** before the undersigned.

SO ORDERED.

/s/Travis R. McDonough

**TRAVIS R. MCDONOUGH
UNITED STATES DISTRICT JUDGE**